

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION
NO. 16-CV-10440-NMG

KATHRYN S. GOUIN,
Plaintiff,

VS.

NOLAN ASSOCIATES, LLC d/b/a
BOSTON HARBOR CRUISES, INC.,
Defendant.

DEFENDANT'S OPPOSITION TO THE PLAINTIFF'S
MOTION FOR RECONSIDERATION

Now comes the Defendant, Nolan Associates d/b/a Boston Harbor Cruises, Inc., in the above-entitled action, by and through its counsel, Clinton & Muzyka, P.C., and hereby submits its Opposition to the Plaintiff's Motion for Reconsideration [*Docket No. 65*] of the Court's July 28, 2017 Order [*Docket No. 63*] granting the Plaintiff's motion to extend fact discovery by three months [*Docket No. 55*].

The Defendant respectfully requests that this Honorable Court affirm its Order dated July 28, 2017 [*Docket No. 63*] as it presently stands. The Plaintiff had sufficient time to depose the additional witnesses, including the Defendant's employees and crewmembers onboard M/V CODZILLA, who were identified in the Defendant's Initial Disclosures produced on July 15, 2016. The Defendant's discovery responses submitted on December 21, 2016, also identified its employees and crewmembers. Despite knowing the identities of the Defendant's employees and crewmembers for over one [1] year, she has failed to notice their depositions and instead has continuously requested extension after extension. In the Plaintiff's Motion for Reconsideration, she again fails

to offer a reasonable explanation as to why she was unable to notice the requested depositions within the past one [1] year.

The Defendant should not be forced to continue to delay its defense due to the Plaintiff's failure to diligently engage in fact discovery during the time frames previously granted. Accordingly, the Defendant respectfully moves this Honorable Court to deny the Plaintiff's Motion for Reconsideration and affirm its Order issued on July 28, 2017 [*Docket No. 63*].

WHEREFORE, Defendant, Nolan Associates d/b/a Boston Harbor Cruises, Inc., prays that this Honorable Court will deny the Plaintiff's Motion for Reconsideration.

By its attorneys,
CLINTON & MUZYKA, P.C.

"/s/Thomas J. Muzyka"

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CERTIFICATE OF SERVICE

Pursuant to Local Rule 5.2, I hereby certify that the above document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on August 22, 2017.

"/s/ Thomas J. Muzyka"

Thomas J. Muzyka